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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/579,739	12/28/1995	YUJI SAKAEGI	35.C11122	4617
5514	7590	04/06/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			QUIETT, CARRAMAH J	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2622	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	08/579,739		SAKAEGI, YUJI	
	Examiner		Art Unit	
	Carramah J. Quiett		2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 1995 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/09/2006 has been entered.

Response to Amendment

2. The amendment(s), filed on 01/09/2006, have been entered and made of record. Claims 22-27 are pending.

Response to Arguments

3. Applicant's arguments filed 01/09/2006 have been fully considered but they are not persuasive.

With respect to independent claim 22 and claim 24, which corresponds to claim 22, the Applicant asserts that Yamagishi is not seen to disclose or suggest the following features:

- (i) checking whether or not a predetermined request is received from the computer if it is determined that the switch is turned on by the computer;
- (ii) determining that the power control unit continue supplying power from the battery to the control unit if it is determined that the predetermined request is received from the computer; and

- (iii) controlling the power control unit so as to avoid supplying power from the battery to the control unit for a predetermined time if it is determined that the predetermined request is not received from the computer.

The Examiner respectfully disagrees with the Applicant's assertions. As illustrated in fig. 17A, Yamagishi teaches that when the imaging switch is off, the control means (60') instructs the image pickup control circuit (control unit – 40) to execute the predetermined termination processing necessary for the image pickup apparatus 200. When the imaging switch in the operating means is on, the control means 60' instructs the image pickup control circuit (40') to execute voltage detection. It is inherent for the control unit (40') to check whether or not a predetermined request is received from the computer if it is determined that the switch is turned on by the computer. If the control means (60') does not receive command from the operation means, then the control unit (40') will not receive any control signals from the control means (60'). Additionally, Yamagishi teaches that the control means (60') inside the computer (300) places the power control unit (circuit 42') in the power-on state (col. 22, lines 56-57).

Yamagishi also teaches that if the control unit (40') determines that the predetermined request is to execute voltage detection, the control unit (40') instructs the power control unit (42') to check if the voltage of the battery (44') is high enough for the image pickup apparatus (200) to operate, and informs the control means (60') of the finding. Therefore, the power control unit inherently decides to supply power from the battery to the control unit in order to execute distance measurement and photometry. Please read col. 20, line 24 – col. 21, line 17; col. 23, lines 14-19 & col. 23, line 54 – col. 24, line 60.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 22, 24, 26 and 27** are rejected under 35 U.S.C. 102(e) as being anticipated by Yamagishi (U.S. Pat. #6,630,949).

For **claim 22**, Yamagishi discloses, in figs. 15A/15B and in col. 20, lines 17-18, a peripheral apparatus (200), which is connectable (col. 3, lines 16-19; col. 4, lines 30-35; col. 20, lines 19-22) to a computer (300; col. 3, lines 9-29), the peripheral apparatus comprising:

a control unit (40') which controls the peripheral apparatus (col. 3, lines 53-55); and

a power control unit (42') which determines whether or not a switch (operation means imaging switch/ control unit power-on state) is turned on by a user or the computer* (col. 22, lines 56-57; col. 23, lines 61-66), which starts supplying power from a battery (44') connected to the peripheral apparatus to the control unit if it is determined that the switch is turned on by the user or the computer (col. 20, lines 23-35; col. 23, line 61 – col. 24, line 25)*,

wherein the power control unit starts supplying power from the battery to the control unit after the power control unit detects that the computer is connected to the peripheral apparatus (col. 20, line 24 – col. 21, line 17),

wherein the control unit (40') checks whether or not a predetermined request is received from the computer if it is determined that the switch is turned on by the computer. Please read col. 20, line 24 – col. 21, line 17; col. 23, lines 14-19 & col. 23, line 54 – col. 24, line 60; and

wherein the control unit determines that the power control unit (42') so as to continue supplying power from the battery to the control unit if the control unit determines that the predetermined request is received from the computer (col. 24, lines 13-24), and

wherein the control unit controls the power control unit so as to avoid supplying power from the battery to the control unit for a predetermined time if the control unit determines that the predetermined request is not received from the computer (col. 24, lines 4-12).* Also, please read col. 20, lines 24-54; col. 23, lines 14-19 & 54 – col. 24, line 12 and col. 24, lines 25-60.

***Note:** The imaging apparatus, as disclosed by Yamagishi, is an example of a peripheral apparatus as taught in Applicant's disclosure (pg. 6, lines 20-21) since it is capable of being connected (or connectable) to a computer (col. 3, lines 16-19; col. 4, lines 30-35; col. 20, lines 19-22). In figs. 17A/17B, Yamagishi illustrates flowcharts of the imaging program to be run at the step S14 in fig. 16B, and displays the process of transferring control signals between the control means (60') and image pickup control circuit (40') via the interface (72), connector (74'), connector (54'), and interface (52). In step S21, Yamagishi teaches that control means (60') instructs the image pickup control circuit (40') to execute predetermined necessary start processing. According to Yamagishi a predetermined request is an instruction (or instructions) generated from the computer's control means. As illustrated in fig. 17A, when the imaging switch is off, the control means (60') instructs the image pickup control circuit (control unit – 40) to execute the

predetermined termination processing necessary for the image pickup apparatus 200.

When the imaging switch in the operating means is on, the control means 60' instructs the image pickup control circuit (40') to execute voltage detection. It is inherent for the control unit (40') to check whether or not a predetermined request is received from the computer. If the control means (60') does not receive command from the operation means, then the control unit (40') will not receive any control signals from the control means (60').

Particularly, if the control unit (40') determines that the predetermined request is to execute voltage detection, the control unit (40') instructs the power control unit (42') to check if the voltage of the battery (44') is high enough for the image pickup apparatus (200) to operate, and informs the control means (60') of the finding. Therefore, the power control unit inherently decides to supply power from the battery to the control unit in order to execute distance measurement and photometry. Please read col. 23, lines 14-19 & 54 – col. 24, lines 3 & 13-60.

For **claim 26**, Yamagishi teaches that a peripheral apparatus, wherein the peripheral apparatus is capable of operating as an electronic camera because in col. 20, lines 23-35 his camera receives its power from direct current (a battery).

Regarding **claims 24 and 27**, these claims are method claims corresponding to the apparatus claims 22 and 26, respectively. Therefore, method claims 24 and 27 are analyzed and rejected as previously discussed with respect to claims 22 and 26, respectively.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 23 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi (U.S. Pat. #6,630,949) in view of Aoki (U.S. Patent #5,438,359).

For **claim 23**, Yamagishi discloses an apparatus wherein the peripheral apparatus operates if it is determined that the switch is turned on by the user (col. 23, lines 61-66). However, Yamagishi does not expressly teach a peripheral apparatus wherein the peripheral apparatus operates standalone.

In a similar field of endeavor, Aoki teaches discloses an apparatus wherein the peripheral apparatus (fig. 3, ref. 1) operates standalone (col. 2, line 53 – col. 3, line 2). In light of the teachings of Aoki, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Yamagishi's the peripheral apparatus with a means for operating standalone to allow the user an option to operate the camera when he is in an environment, which does not require a computer.

Regarding **claim 25**, this claim is a method claim corresponding to the apparatus claim 23. Therefore, method claim 25 is analyzed and rejected as previously discussed with respect to claim 23.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJQ
March 31, 2006


NGOC-YEN VU
SUPERVISORY PATENT EXAMINER